

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 7, 19, 30, and 41, and 47-56 are cancelled. Claims 1-6, 8-18, 20-29, 31-40, 42-46, and 57-58 remain in this application and, as amended herein, are submitted for Examiner's reconsideration.

Applicants express appreciation to the Examiner for the telephone interview held on May 10, 2006 during which the rejections under 35 U.S.C. § 102(b), § 103(a) and § 112, second paragraph, the changes to the claims set out in the present Amendment, and arguments set out in present Amendment were discussed.

Claims 8, 20, 31, 42, and 43 have been amended solely to provide proper antecedence and to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, the Examiner indicated that the Information Disclosure Statement (IDS) mailed on November 30, 2001 was not fully considered because the non-English language reference (item J) does not include a concise explanation of relevance. Applicants will forward a translation of the relevant portions of the references, if such translation is available.

The Examiner objected to claim 28. The claim has been amended to correct the informality.

Claims 1-46, 57 and 58 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 13, 21, 36, 57, and 58 have been amended to correct the informalities. It is therefore submitted that claims 1-6, 8-18, 20-29, 31-40, 42-46, 57, and 58 are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph.

Regarding the art rejections, claims 1-46, 57, and 58 were rejected under 35 U.S.C. § 102(b) as being anticipated by Waldvogel ("The VersaKey Framework; Versatile Group Key Management", IEEE Journal On Selected Areas In Communications, Vol. 17, No. 9, September 1999, Pgs. 1614-1631). Applicant submits that the claims are are patentably distinguishable over Waldvogel.

Claim 1 defines an information recorder for recording information onto a recording medium and calls for:

cryptography means for generating an encryption key based on encryption key generating data built within said information recorder and for encrypting, using the generated encryption key, data that is to be stored on the recording medium[.]

(Emphasis added.)

The Waldvogel article is concerned with a traffic encrypting key (TEK) and key encryption keys (KEK) but does not disclose or suggest encryption key generating data that is built within an information recorder as defined in claim 1.

Claim 1 also calls for:

the encryption key being a first encryption key and the encryption key generating data being first encryption key generating data when playback of the recording medium is to be restricted to only a player storing a specific identifier, the first encryption key generating data being stored on the recording medium, and

the encryption key being a second encryption key and the encryption key generating data being second encryption key generating data when playback of the recording medium is not to be restricted.

(Emphasis added.)

Waldvogel is not concerned with playback of the recording medium, and therefore Waldvogel is not concerned with the restriction of such playback to only a player storing a specific identifier and is not concerned with storing encryption

key generating data on such a recording medium. Therefore, Waldvogel neither discloses nor suggest the above limitations.

It follows that Waldvogel does not disclose or suggest the combination called for in claim 1 and does not anticipate the claim.

Claims 2-6 and 8-12 depend from claim 1 and are distinguishable over Waldvogel for at least the same reasons.

Independent claims 13, 25, 36, 57, and 58 each include limitations similar to those set out above in claim 1. Therefore each of claims 13, 25, 36, 57, and 58 are distinguishable for at least the reasons set out above regarding claim 1.

Claims 14-18 and 21-24 depend from claim 13, claims 26-29 and 31-35 depend from claim 25, and claims 37-40 and 42-46 depend from claim 36. Therefore each of these claims is distinguishable over the cited art for at least the reasons set out above.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

The Examiner also rejected claims 10, 22, 33, and 44 under 35 U.S.C. § 103(a) as being unpatentable over Waldvogel. Claim 10 depends from claim 1, claim 22 depends from 13, claim 33 depends from claim 25, and claim 44 depends from claim 36. Therefore each of claims 10, 22, 33, and 44 are distinguishable over Waldvogel for at least the same reasons.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-

5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 11, 2006

Respectfully submitted,

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